

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

MATTHEW R. WRUBEL

CHAPTER 13

Case No. 18-57165-PJS

Judge PHILLIP J. SHEFFERLY

DEBTOR

**TRUSTEE'S MOTION TO DISMISS
FOR FAILURE TO MAKE PAYMENTS UNDER CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and moves this Honorable Court to dismiss the debtor's Chapter 13 case, and in support thereof states as follows:

1. Based upon the Trustee's books and records, the debtor has failed to remit all Plan payments to the Trustee as required by the confirmed Chapter 13 Plan.
2. As of February 06, 2020, debtor has an accrued delinquency in payments due under debtor's Confirmed Chapter 13 Plan (as last modified, if any) of \$380.00, and an overall pay history of only 94%. A full accounting is available at www.13datacenter.com and www.13network.com.
3. The debtor's delinquency in Plan payments constitutes a material default with respect to a term of the confirmed Plan pursuant to 11 U.S.C. 1307(c) (6).
4. The Trustee requested Debtor's concurrence in the relief requested in this Motion at least 7 days prior to filing. Debtor concurred in the relief requested in this Motion.

WHEREFORE, the Chapter 13 Standing Trustee requests that this Court dismiss this case, and grant any further and other relief as this Court deems equitable and just.

OFFICE OF THE CHAPTER 13 STANDING
TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

Dated: February 06, 2020

/s/ Thomas D. DeCarlo

LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
26555 Evergreen Road Ste 1100
Southfield, MI 48076-4251
Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

MATTHEW R. WRUBEL

CHAPTER 13

Case No. 18-57165-PJS

Judge PHILLIP J. SHEFFERLY

DEBTOR

**ORDER DISMISSING CHAPTER 13 CASE
FOR FAILURE TO MAKE PAYMENTS**

This matter having come on to be heard upon the Trustee's Motion to Dismiss for Failure to Make Payments filed pursuant to E.D. Mich. L.B.R. 9014-1 notice having been duly given and an opportunity for hearing having been provided based upon the records of the Court herein, the dismissal of the case is warranted for failure to make payments and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Chapter 13 case of the debtor herein is dismissed for the failure to make the payments required under the Chapter 13 Plan.

IT IS FURTHER ORDERED that the Clerk of the Court shall immediately provide notice of the entry of this Order to all creditors listed in this case, the debtor's attorney, if any, and the Trustee.

IT IS FURTHER ORDERED that DAVID WM. RUSKIN, Trustee, is discharged as Trustee and the Trustee and his surety are released from any and all liability on account of the within proceedings.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

IN THE MATTER OF:
MATTHEW R. WRUBEL

CHAPTER 13
Case No. 18-57165-PJS
Judge PHILLIP J. SHEFFERLY

DEBTOR

DEBTOR'S ADDRESS:

49071 S. I 94 Service Drive, Apt 211
Belleville, MI 48111

Debtor 1 Social Security Number: XXX-XX-9317

Employer's Tax Identification (EIN) No(s).(if any):

NOTICE OF TRUSTEE'S MOTION TO DISMISS
FOR FAILURE TO MAKE PAYMENTS UNDER CHAPTER 13 PLAN

The Chapter 13 Trustee has filed papers with the Court to dismiss the debtor's case for failure to make payments.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the Court to dismiss the debtor's case, or if you want the Court to consider your views on the Trustee's Motion, within 14 days, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:*

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must also mail a copy to:

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE
ATTN: MOTION DEPARTMENT

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

Dated: February 06, 2020

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

/s/ Thomas D. DeCarlo
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
26555 Evergreen Road Ste 1100
Southfield, MI 48076-4251
Telephone (248) 352-7755

EXHIBIT 2

*Response or answer must comply with F.R.CIV.P. 8(b), (c) and (e)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

MATTHEW R. WRUBEL

CHAPTER 13

Case No. 18-57165-PJS

Judge PHILLIP J. SHEFFERLY

DEBTOR

**CERTIFICATE OF SERVICE OF TRUSTEE'S MOTION TO DISMISS
FOR FAILURE TO MAKE PAYMENTS UNDER CHAPTER 13 PLAN**

I hereby certify that on February 06, 2020, I electronically filed the Trustee's Motion to Dismiss for Failure to Make Payments, Notice and Opportunity for Hearing and Proposed Order with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

Berman & Bishop Pllc

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Matthew R. Wrubel
49071 S. I 94 Service Drive, Apt
211
Belleville, MI 48111

/s/ Deanna L. Thiel

Deanna L. Thiel
For the Office of the Chapter 13 Standing Trustee-Detroit
26555 Evergreen Road Ste 1100
Southfield, MI 48076-4251